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Congress of the United States
Committee on International Relations

House of Representatives

Washington, D.C. 20515

OLC #12-0422

January 30, 1978

JOHN J. BRADY, JR.
CHIEF OF STAFF

Admiral Stansfield Turner
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Admiral Turner:

The Committee on International Relations would appreciate receiving comments from the Agency on H.R. 8683, to protect communications among Americans from interception by foreign governments, and for other purposes.

A copy of H.R. 8683 is enclosed for your convenient reference.

With best wishes, I am

Sincerely yours,

Clement J. Zablocki
Chairman

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Enclosure

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95TH CONGRESS
1ST SESSION

H. R. 8683

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 1977

Mr. KEMP introduced the following bill; which was referred jointly to the
Committees on International Relations and the Judiciary

A BILL

To protect communications among Americans from interception
by foreign governments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Foreign Surveillance
4 Prevention Act of 1977".

5 SEC. 2. The Congress finds that—

6 (1) the widespread use of electronic surveillance and
7 the interception of telecommunications by foreign gov-
8 ernments pose a serious threat both to the national se-
9 curity of the United States and to the rights of privacy
10 and association guaranteed to Americans by the Con-
11 stitution;

1 (2) such electronic intelligence activities by for-
2 foreign governments have been, and are being, carried on
3 under the guise of normal diplomatic relations with
4 the United States; and

5 (3) the President of the United States, con-
6 stitutionally charged with the conduct of the Nation's
7 foreign relations and with the protection of the Con-
8 stitution of the United States, has the primary respon-
9 sibility to protect the rights and interests of American
10 citizens as they may be jeopardized by the electronic
11 intelligence activities of foreign powers.

12 SEC. 3. Whenever the President of the United States
13 has reason, based upon information in his possession, to be-
14 lieve that in any State of the United States, the District of
15 Columbia, the Commonwealth of Puerto Rico, or any ter-
16 ritory or possession of the United States, any individual on
17 whom diplomatic immunity has been conferred by the United
18 States, is willfully engaging in electronic surveillance on be-
19 half of a foreign power, the President shall—

20 (a) so inform the chairman and ranking minority
21 member, or, in his discretion, the members of, the Com-
22 mittee on the Judiciary of the House of Representatives,
23 the Committee on the Judiciary of the Senate, the Select
24 Committee on Intelligence of the Senate, and the Select

1 Committee on Intelligence of the House of Representa-
2 tives;

3 (b) so inform those persons, if any, reasonably be-
4 lieved to be particular targets of such surveillance in
5 order that they may take such precautions as they con-
6 sider advisable, unless he shall determine that to do so
7 would seriously compromise sources or methods of in-
8 telligence gathering by the United States;

9 (c) so inform the Ambassador or Chargé d'Affaires
10 or other representative of such foreign power, and shall
11 demand that such foreign power immediately cease such
12 surveillance, unless he shall determine that to do so
13 would seriously compromise sources or methods of intel-
14 ligence gathering by the United States; and,

15 (d) thirty days after such demand is made, if the
16 electronic surveillance has not ceased, declare such in-
17 dividual to be persona non grata in the United States,
18 and shall demand that he leave the United States im-
19 mediately, unless the President shall determine that
20 to do so would cause serious damage to the national secu-
21 rity of the United States.

22 SEC. 4. DEFINITIONS.—As used in this Act—

23 (a) "electronic surveillance" means the intercept-

1 tion of wire or radio communications through the use
2 of any electronic, mechanical, or other device.

3 (b) "wire or radio communication" means any
4 communication made in whole or in part through the
5 use of facilities for the transmission of communications
6 by the aid of wire, radio, cable, or other like connection
7 between the point of origin and the point of reception
8 furnished or operated by any person engaged as a
9 common carrier in providing or operating such facilities
10 for the transmission of interstate or foreign communi-
11 cations.

12 (c) "person" means any individual, partnership,
13 association, joint stock company, trust, or corporation.

14 (d) "electronic, mechanical, or other device" means
15 any device or apparatus which can be used to intercept
16 a wire or radio communication other than any telephone
17 or telegraph instrument, equipment or facility, or any
18 component thereof, furnished to the subscriber or user
19 by a communications common carrier in the ordinary
20 course of its business and being used by the subscriber
21 or user in the ordinary course of its business.

22 (e) "foreign power" means—

23 (i) a foreign government or any component
24 thereof, whether or not recognized by the United
25 States;

1 (ii) a faction of a foreign nation or nations, not
2 substantially composed of United States persons;

3 (iii) an entity, which is openly acknowledged
4 by a foreign government or governments to be di-
5 rected and controlled by such foreign government or
6 governments;

7 (iv) a foreign-based political organization, not
8 substantially composed of United States persons; or

9 (v) an entity which is directed and controlled
10 by a foreign government or governments.

11 (f) "common carrier" shall have the same meaning
12 which is given the term by section 153 (h) of title 47 of
13 the United States Code.

Approved Leg.

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OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	DATE	INITIALS
1	<i>Leg Counsel</i>		
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<input checked="" type="checkbox"/>	ACTION	DIRECT REPLY	PREPARE REPLY
	APPROVAL	DISPATCH	RECOMMENDATION
	COMMENT	FILE	RETURN
	CONCURRENCE	INFORMATION	SIGNATURE
Remarks:			
<i>As per DAI response, in coordination with OC.</i>			
<i>Response 15 Feb</i> FOLD HERE TO RETURN TO SENDER			
FROM: NAME, ADDRESS AND PHONE NO.			DATE
<i>B. P. Evans CB</i>			<i>2 Feb</i>
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